

# Lake, Boating and Fishing Regulations

*As noted in the General Rules & Regulations of Lake Toxaway Community Association, amended October 2021*

## From Sections 6, 7 and 8 of the General Rules & Regulations of the LTCA

### 6.0 Lake Regulations

- 6.1 Access to Lake Toxaway and Lake Cardinal is controlled by certain property owners through the Lake Toxaway Community Association (LTCA). They are for the exclusive use of Lake Toxaway Estates property owners in good standing and their guests subject to regulations recommended by the Lake Committee and approved by the LTCA Board. As used herein, the term “good standing” shall mean, at a minimum, payment of all assessments, fees and/or charges levied by the Association. The purpose of these regulations is to ensure the protection and safety of all persons and watercraft, the water quality of the lakes, and the protection of all lakefront property. Because the two dams are potentially dangerous, the LTCA has appropriately designated them as “No Trespassing” areas. Violators are subject to prosecution.
- 6.2 To the extent authorized by Section 6.1 above, renters of homes and condos in Lake Toxaway Estates and Greystone Inn guests may rent boats at the marina for use on Lake Toxaway. However, renters and guests are strictly prohibited from placing their own boats, or boats in their possession, on Lake Toxaway at any time.
- 6.3 The water quality of Lake Toxaway and Lake Cardinal, while very good, is constantly threatened by the intrusion of exotic, invasive plant species, loosely defined as anything that is not normal or indigenous to the mountain lakes. Lake water is also exposed to possible leaching from septic, gas and oil tanks, and other contaminants. Whenever any suspicious looking plants or substances are observed in or around the lakes, they should be reported immediately to the LTCA office.
- 6.4 Discarding trash, grass clippings, leaves, construction or other debris into the lakes or streams is detrimental to these waters and is strictly prohibited. This applies to boat operators, property owners and their guests and tenants, landscape contractors and all other persons.
- 6.5 For environmental reasons, the addition of fish, wildlife, or plant life to the lakes is forbidden. The LTCA monitors the lakes and will determine the type, quantity, and timing of any such additions. Also for environmental reasons, fuel storage/dispensing tanks are not permitted to be kept or used on personal docks and boathouses or within 75 feet of the lake front.
- 6.6 Trees that have fallen into the lake water create obstructions that are potentially dangerous to boaters, anyone they are pulling behind them, and swimmers. It is the responsibility of property owners to have such trees removed. If, after 30 days of

written notification such trees have not been removed, the LTCA will have them removed at the owner's expense.

- 6.7 For the safety of people swimming or engaged in other water activity, the Association permits a lake user/homeowner to place one buoy a maximum of 30 feet from the closest dock or shoreline. The buoy must not impede normal boating on the lake. A buoy may be in place while people are swimming or engaged in other water activity, but must be removed when swimming or other water activity is over.

Buoys in the lake with no swimmers or water activity present will be subject to removal by the lake safety officer. The Association assumes no responsibility or liability in the event of an accident involving a private buoy. The Association assumes no responsibility for state action regarding buoys. The buoy must be a round orange buoy, not exceeding 10 inches in diameter.

- 6.8 For safety and environmental reasons, all dredging, digging or any other alteration of the lake bed is controlled by the LTCA. All requests for work of this nature must be submitted in writing to the LTCA for approval prior to starting the job.
- 6.9 Normal hours of operation are from 8:00 a.m. to 8:00 p.m. or 1 hour after sunset, whichever occurs first. From then until 8:00 a.m. the next morning, all boats shall proceed cautiously at low speed, as conditions dictate. In accordance with NC Law, no nighttime water-skiing, tubing or other dangerous activities are permitted.
- 6.10 Whenever excessive rainfall causes the lake level to increase by one foot above normal, as measured at the main dam valve stem, or weather forecasts indicate that flood conditions are imminent, the LTCA will close Lake Toxaway and Lake Cardinal to all boats except authorized security or law enforcement vessels. Lake conditions will be re-evaluated after 24 hours.

## **7.0 Boat Registration**

- 7.1 All watercraft, including canoes, paddleboats, kayaks, sailboats, rowboats, must display a current LTCA permit (boat decal) on the starboard (right) side of the hull. Paddleboards do not require a permit. Upon receipt of a properly completed application, the LTCA office will issue a boat-specific decal at the current fee for each powerboat, non-power boat, and commercial boat. In the event a decal is lost or misplaced before it is affixed to the boat applied for, the decal may be replaced at the full current price when accompanied by a signed statement to that effect. If the original decal is found and returned to the LTCA during the same calendar year, the LTCA will refund the extra fee.

- 7.2 Boat owners whose watercraft do not display a current decal are not permitted on the lake. They may not launch their watercraft from the boat ramp, or purchase gasoline from, or rent boat slips at the marina.
- 7.3 To prevent the introduction of unwanted plant and animal species, all boats and trailers that have vacated Lake Toxaway for use on any other body of water must be commercially cleaned before re-entering our lakes.
- 7.4 Lakefront property owners in good standing with the LTCA may keep a maximum of two powerboats at their property. Property owners who have boat access ramps shall not allow such ramps to be used by any person or for any boat other than his/her own.
- 7.5 Non-lakefront property owners in good standing with the LTCA may purchase one powerboat decal for their properly registered powerboat for launching at the marina or any other facility as may be approved by the LTCA.
- 7.6 Each boat operator, or his/her parental authority if such operator is a minor, is responsible and legally liable for his/her actions while on the lakes. This includes, but is not limited to, property damage caused by collision, excessive wakes, or propeller action, or the personal injury or death of another individual. The LTCA will not and does not assume liability for the independent actions of boat operators under any circumstances.
- 7.7 On receiving a boat decal, the property owner acknowledges that he has received a copy of the LTCA rules and regulations for the operation of boats on Lake Toxaway and Lake Cardinal and understands them and will comply with all of them.

## **8.0 Obtaining a Boat Decal**

- 8.1 Members in good standing with the LTCA are eligible for a boat decal(s) in accordance with Article 3.1 of the LTCA bylaws.
- 8.2 The application must be completed and signed by the Property Owner/Boat Owner. This property and boat owner must be the same individual.
- 8.3 The property owner's account must be paid in full prior to receiving a permit.
- 8.4 If a North Carolina boat registration is required for the boat, the current registration must be on file with the LTCA office.
- 8.5 To verify compliance with the standards as described in 9.1, the manufacturer's specification for engine size and LOA must be included with the application for the decal.
- 8.6 Proof of liability insurance with a minimum coverage of \$100,000 is required to obtain a decal for a power boat.

- 8.7 The application, certification, proof of liability insurance and payment must be received before the boat decal is issued.
- 8.8 If the craft is transferred or subsequently altered so that its description on the permit is not accurate, a new permit is required.
- 8.9 On receiving a boat decal, the property owner acknowledges that he has received a copy of the LTCA rules and regulations for the operation of boats on Lake Toxaway and Lake Cardinal and understands them and will comply with all of them.
- 8.10 The decal applicant must include a release of and hold harmless the LTCA of any liability or claim associated with the operation of a boat.
- 8.11 Home owners that rent their homes and include a boat with their rentals are responsible to have their renters understand and sign the boat regulations prior to using said boat. Home owners that include a boat with their rentals are responsible and liable for their renter's use.

## **9.0 Permissible Boats on Lake Toxaway and Lake Cardinal**

- 9.1 On Lake Toxaway, internal combustion engine powered boats are limited to new and replacement boats up to 25 ft. Length overall (LOA). Maximum horsepower for new and replacement engines is 400 HP per boat for inboard, boat, 400 HP for stern drive per boat and 200 HP for outboard per boat.
- 9.2 Any boat that does not comply with either the LOA or the engine size and which had not been issued a 2018 or earlier decal will not be permitted on Lake Toxaway. Boats which had been issued a decal in 2018 or earlier will be deemed non-compliant. For tracking purposes, these boats will be registered as non-compliant.
- 9.3 Non-internal combustion engine powered boats are limited to 28' LOA with the exception of the Greystone tour boat, and are limited to a maximum of 10 horsepower.
- 9.4 Prohibited boats and activities on Lake Toxaway include, but not limited to the following:
  - Jet powered watercraft of any kind,
  - Seaplanes,
  - Airboats,
  - Hovercraft,
  - Cabin cruisers,
  - Underwater watercraft,
  - Houseboats,
  - Floating docks,
  - Trampolines,
  - Kite skiing and aquaplaning,

- Hydrofoils,
- Personal watercraft,
- Boats with discharge toilets,
- Deep “V” ocean style hulls,
- Boats designed specifically to create waves or wakes,
- Boats without engine covers,
- Noisy watercraft,
- Noisy operation.

9.5 Wake enhancing devices and designs for boats are a serious concern for Lake Toxaway. A large wake from boats has several detrimental effects:

- It can make the lake very choppy and potentially unsafe or unusable for other users, e.g., canoes, paddle boarders, small boats and water skiers, and
- Property damage can occur as well as shoreline erosion.

9.6 To help manage the enjoyment and safety for everyone on the lake and users of the lake, boats with wake enhancing devices such as but not limited to the following: wedges, plates or other wake enhancing devices will not be allowed on the lake. Boats with built-in ballast systems will be required to disable the systems by means of such as removing fuses, plugging of intake hoses, or removal of weights, hoses or impellers that fill the systems. Boats with wedges, plates or other mechanical devices will be required to remove the wedge or plate, remove the handle for adjusting the plate, disable any electrical control to the plate or put a pin through the device preventing its use. Boats with “fat sacks” or other stand-alone bladder devices will not be allowed to have them in their boat and will be required to remove such device.

9.7 Boats for use on Lake Cardinal are limited to canoes, rowboats, sailboats, kayaks and paddle boards whose length does not exceed 15 feet LOA. Motor power is restricted to a single electric motor with a maximum of 3 HP. Pontoon, deck and party boats are not permitted on Lake Cardinal.

9.8 Association members are advised to contact the LTCA office prior to purchasing any boat that may be questionable.

## **10.0 Boating Operation and Regulations**

10.1 Normal hours of operation are from 8:00 AM to 8:00 PM or one hour after sunset, whichever occurs first. From 8:00 PM till 8:00 AM all boats shall proceed cautiously at low speed as conditions indicate.

10.2 In accordance with North Carolina law:

1. Any person born on or after January 1, 1988 must complete a National Association of State Boating Law Administrators (NASBLA) approved boating safety course before operating any vessel propelled by a motor of 10 HP or greater. This course may be taken at <https://www.boat-ed.com/northcarolina/>.

2. Certification of the completion of the course must accompany this individual when he/she is operating the boat.
  3. No one under the age of 14 is permitted to operate a powerboat unless accompanied by an adult.
  4. Children under the age of 13 years of age must wear an approved life vest while underway.
  5. No nighttime water skiing, tubing or other similar activities are permitted.
- 10.3 Every person who operates a boat on Lake Toxaway and Lake Cardinal must comply with NC laws and boating regulations. (<https://www.ncwildlife.org/Boating/Laws-Safety>). Read and understand the North Carolina Boating Checklist. In addition to state law, there are specific rules and regulations which apply to Lake Toxaway and Lake Cardinal.
- 10.4 Boats should generally proceed in a counterclockwise direction in both basins of Lake Toxaway to reduce the dangers of congestion and head-on traffic. Skiers, tubers and wakeboarders should operate more toward the middle of the Lake while sightseers should keep toward the shore. This general pattern is also intended to reduce the risk of injury to swimmers and damage to sea walls. This pattern is especially important during high volume holidays and other congested periods.
- 10.5 Safety is the primary concern when pulling a skier, a wakeboard or a tube. When pulling a skier, a wakeboard or tube, stay well clear of docks, other boats or swimmers. In addition to personal injury, wake created by driving too close to the shore line can cause property damage. Wake producing activities, e.g., serpentineing and circling, are strongly discouraged within 200 ft. of the shore in all portions of the lake. Skiing, tubing and wake boarding are permitted in the cut and coves, but should be done with the utmost care.
- 10.6 Operating the boat in the cut and coves with the intention of creating large wake, for example serpentineing and circling, is prohibited. Violations of these regulations may result in a citation.
- 10.7 Persons skiing or riding devices must wear a Coast Guard approved life preserver and the boat must have an observer on board or a rear view mirror. Operators must stay at least 75 feet away from the dam control valve, and a safe distance away from the work barge, non-power boats, and swimmers.
- 10.8 Boat operators must be diligent about staying more than 75 feet from shore and otherwise not creating damaging wakes.
- 10.9 Serpentineing or driving in circles to create wake for skiers, wakeboarders or tubers must not create wake that adversely impacts shorelines, other boats or swimmers.
- 10.10 Boat owners/operators must comply with official registration, equipment, and operating regulations as required by NC law. The security officer and the NC Wildlife

Resources Officer are authorized by the LTCA and applicable law to issue citations for violations of applicable safe boating laws and ordinances.

10.11 Be boat smart. Take a boat handling and safety course, even if you are not required to by NC Law. Make sure your children and grandchildren get properly certified according to NC Law.

10.12 Adherence to boating regulations is everyone's responsibility. To report illegal or unsafe activity, call the security officer on duty at 828-989-0508 and request immediate assistance. In an emergency, call 911.

10.13 Each property owner in good standing is bound and agrees to comply with all the Lake and Boating Regulations set forth above, and any amendments or other modifications approved from time to time by the LTCA Board. The LTCA has the full right and authority to enforce these regulations through injunction and/or other equitable and legal means and to recover all of its costs.

10.14 Boats cannot be parked in such a way that they extend beyond the width of the boat owner's property line.

## **11.0 Fishing Regulations**

11.1 Children's Pond (On Toxaway Drive on the way to Meadow Ridge): Children's Pond (On Toxaway Drive on the way to Meadow Ridge): This area is catch and release only, with the exception children 14 years or younger may catch and keep up to 4 fish per day. The pond is stocked once per year with brown and rainbow trout.

11.2 Toxaway River Trail: CATCH AND RELEASE ONLY with a single hook (not a treble hook). The fish in this Toxaway River headwater are very small (less than 8 inches) wild rainbow and an occasional brook trout. Please take all precautions to avoid harming these fish.

11.3 Fishing in the above two locations is reserved for LTCA members in good standing and their guests.

11.4 Spillways and Dams: No fishing or boat launching is permitted from the Lake Toxaway or Lake Cardinal dams or spillways.

11.5 NC STATE FISHING REGULATIONS - It is the responsibility of each owner to learn and comply with the current NC fishing regulations. For complete information, please visit [www.ncwildlife.org](http://www.ncwildlife.org). Also, the LTCA office may be able to provide interested owners with a copy of the latest edition of the NC Inland Fishing, Hunting, and Trapping Regulations Digest.

11.6 The LTCA cannot assume any liability for the actions of any fisherman.